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Attorneys for Defendant

STATE FARM GENERAL INSURANCE COMPANY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WILLIAM TONG; and MALINEE  
DIBBAYAWAN,

Plaintiffs,

vs.

STATE FARM GENERAL  
INSURANCE COMPANY; and DOES  
1 to 10,

Defendants.

) Case No.: 2:24-cv-02219-DSF

)  
)  
)  
) **DEFENDANT STATE FARM**  
) **GENERAL INSURANCE**  
) **COMPANY'S RESPONSE TO**  
) **PLAINTIFFS' REQUEST FOR**  
) **PRODUCTION OF DOCUMENTS,**  
) **SET ONE**

) Complaint filed: March 19, 2024

PROPOUNDING PARTY: Plaintiffs, WILLIAN TONG and MALINEE  
DIBBAYAWAN

RESPONDING PARTY: Defendant, STATE FARM GENERAL  
INSURANCE COMPANY

SET NUMBER: One (1)

1

Case No. 2:24-cv-02219-DSF DEFENDANT STATE FARM'S RESPONSE TO REQUEST  
FOR PRODUCTION, SET ONE, BY PLAINTIFFS

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**PRELIMINARY STATEMENT**

Insofar as they are relevant and do not call for duplicative or privileged information, and subject to the stated objections, State Farm provides these responses to these Special Interrogatories to the best of its ability. Discovery in this matter has not yet been completed. The responses are based upon information that is currently in the possession of State Farm. The responses are offered without prejudice to State Farm's right to offer additional information that is subsequently discovered.

**OBJECTIONS TO INSTRUCTIONS**

**If your response to a particular demand is a statement that you lack the ability to comply with that demand, you must affirm in your response that a diligent search and a reasonable inquiry has been made in an effort to comply with that demand. This statement shall also specify whether the inability to comply is because the particular item or category never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in your possession, custody or control, in which case the name and address of any person or entity known or believed by you to have possession, custody or control of that document or category of documents should be identified. (F.R.C.P. 34(b)).**

State Farm restates and incorporates its objection to Plaintiffs' definition of "DOCUMENT" or "DOCUMENTS," below, and applies the same to Plaintiffs' Instruction regarding "item[s]" or "category[ies]" that have "never existed", been "destroyed", "lost", "misplaced", "stolen", or which have "never been" or "[are] no longer" in State Farm's possession, custody or control.

In addition, State Farm objects to Plaintiffs' Instruction insofar as it seeks details regarding "item[s]" or "category[ies]" that have "never existed", been "destroyed", "lost", "misplaced", "stolen", or which have "never been" or "[are] no longer" in State Farm's possession, custody or control on the grounds that it is overly broad, unduly burdensome, and purports to impose obligations greater than

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1 those set forth in Fed. R. Civ. P. 26(b)(1) and 34. State Farm objects to the  
2 discovery propounded by Plaintiffs to the extent it purports to call for forensic  
3 investigation into computing devices or systems to determine or locate  
4 information indicating or evidencing ESI that was deleted or that is no longer  
5 accessible as active data on that device or system as not reasonably tailored to  
6 elicit discovery relevant to the claims and defenses of any party, unduly  
7 burdensome, and beyond the scope of permissible discovery. State Farm further  
8 objects that ESI and/or documents that were deleted or no longer exist are not  
9 reasonably accessible and discovery about the same would require extraordinary  
10 efforts that are not proportional to the scope of the matter. Fed. R. Civ. P.  
11 26(b)(2).

12 Furthermore, State Farm objects on the grounds that Plaintiffs' Instruction  
13 is not limited in time or scope and State Farm had no duty to preserve relevant  
14 information prior to the time this litigation was reasonably anticipated.

15 **If your response to a particular demand is an objection, you must**  
16 **set forth in your response the extent of, and the specific ground for,**  
17 **the objection. In your response, you must also identify with**  
18 **particularity any document responsive to the particular demand**  
19 **that is being withheld from production based upon a claim of**  
20 **privilege or other protection and state the particular privilege or**  
21 **protection being invoked. (F.R.C.P. 34(b).) To identify with**  
22 **particularity documents withheld from production, you should**  
23 **provide, for each document withheld, the following information if**  
24 **known or available to you:**

- 25 1. Title or subject matter of document;
- 26 2. The date composed or date appearing on the document;
- 27 3. Author and Addressee;
- 28 4. Number of Pages;
5. Identify of all persons or entities who saw or received a copy  
of such document, including the job titles of each such  
person;
6. The present location of the item;

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7. The identity of the person or persons who have custody, control, or possession thereof.
8. The nature of the privilege claimed; and
9. Each fact upon which you base your claim of privilege.

State Farm objects to Plaintiffs' Instruction insofar as it directs State Farm to undertake efforts that exceed the requirements of Fed. R. Civ. P.

26(b)(5). State Farm will withhold privileged and/or protected material or information and describe the same in accordance with the Federal Rules of Civil Procedure and substantive law.

**This request requires the production of documents as they are kept in the usual course of business or organized and labeled to correspond with the particular demands set forth below. If you choose the former method, the documents are to be produced in the boxes, file folders, bindings or other containers in which the documents are found. The titles, labels, or other descriptions on the boxes, file folders, bindings or other containers are to be left intact.**

State Farm objects to Plaintiffs' Instruction regarding production of "boxes, file folders, bindings or other containers" in which documents are found on the grounds that such terminology is vague and ambiguous, particularly with respect to ESI, and the information sought is not relevant to the resolution of the claims and defenses in this case. There are multiple ways that ESI may be held, stored, or used together, such as on a personal or shared hard drive, in a container file, or in a database, and State Farm cannot reasonably catalogue and describe the information regarding any myriad of ways ESI may be held, stored, or used together without undue burden. Fed. R. Civ. P. 26(b)(2).

State Farm further objects to Plaintiffs' Instruction to the extent it implies State Farm has an obligation to produce documents or information in more than one form or in a manner that is different than the reasonably usable forms in which State Farm agrees to produce. State Farm objects to the extent that

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1 Plaintiffs seek production of ESI from sources that are not reasonably accessible,  
2 such discovery would require undue burden or expense. FRCP 26(b)(2)(B).

3  
4 **Electronic media should be produced in its native format (e.g.,**  
5 **Word documents and Excel spreadsheets produced with .doc**  
6 **and .xls extensions and email produced in .pst files if Outlook is the**  
7 **email client).**

8 State Farm restates and incorporates its objection to Plaintiffs' definition of  
9 "DOCUMENT" or "DOCUMENTS" below and applies the same to Plaintiffs'  
10 Instruction to produce "Electronic media" in its "native format".  
11 In addition, State Farm objects to Plaintiffs' Instruction regarding production of  
12 "Electronic media" in its "native format" to the extent it purports to seek  
13 production of ESI in "native format" both because it contradicts Plaintiffs'  
14 definition of the term "DOCUMENT" or "DOCUMENTS" below and because it  
15 exceeds the parameters of the Federal Rules of Civil Procedure. Pursuant to Fed.  
16 R. Civ. P. 34(b)(2)I(ii), State Farm may produce discoverable ESI in reasonably  
17 usable formats. Production of ESI in "native format" would be disproportionate  
18 to the needs of this case considering the value of the case and the importance of  
19 the discovery at issue and would be unduly burdensome to the extent such format  
20 is not reasonably accessible to State Farm in the ordinary course of its  
21 business. Fed. R. Civ. P. 26(b)(2). In addition, State Farm frequently creates ESI  
22 in one format and, in the ordinary course of its business, stores it in another format  
23 in its system of record. State Farm further objects that it does not need to produce  
24 ESI in more than one form, and that the production of "Electronic media" in  
25 "native format" would be cumulative and duplicative of the alternative reasonably  
26 usable formats proffered. Fed. R. Civ. P. 34(b)(2)(E)(iii); 26(b)(2).

27 To the extent any responsive documents or ESI are produced, State Farm  
28 will produce reasonably accessible, relevant, non-privileged information in

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1 reasonably usable formats. Documents that contain redactions will be produced in  
2 static image format.

3 **These requests for production include the original media and all**  
4 **copies that differ from the original in any respect, such as notations**  
5 **made on the copy. These requests are also intended to include all**  
6 **media of any nature that are now or have at any time been within**  
7 **your care, custody or control. If a document or media is no longer**  
8 **in your care, custody or control, identify its disposition.**

9 State Farm objects to Plaintiffs' Instruction to produce "copies" on the  
10 grounds that copies are not universally relevant to the claims and defenses of a  
11 case and are likely to be cumulative or duplicative. Fed. R. Civ. P. 26. To the  
12 extent that "copies" are not business records stored in a central repository in State  
13 Farm's ordinary course of business, the collection and production of "copies"  
14 would not be proportional to the needs of the case. Fed. R. Civ. P. 26.  
15 In addition, State Farm objects to Plaintiffs' Instruction insofar as it seeks details  
16 regarding "document[s] or media" that "is no longer in [State Farm's] care,  
17 custody or control" on the grounds that it is overly broad, unduly burdensome, and  
18 purports to impose obligations greater than those set forth in Fed. R. Civ. P.  
19 26(b)(1) and 34. State Farm objects to the discovery propounded by Plaintiffs to  
20 the extent it purports to call for forensic investigation into computing devices or  
21 systems to determine or locate information indicating or evidencing ESI that was  
22 deleted or that is no longer accessible as active data on that device or system as  
23 not reasonably tailored to elicit discovery relevant to the claims and defenses of  
24 any party, unduly burdensome, and beyond the scope of permissible  
25 discovery. State Farm further objects that ESI and/or documents that were deleted  
26 or no longer exist are not reasonably accessible and discovery about the same  
27 would require extraordinary efforts that are not proportional to the scope of the  
28 matter. Fed. R. Civ. P. 26(b)(2).

1 Furthermore, State Farm objects on the grounds that Plaintiffs' Instruction  
2 is not limited in time or scope and State Farm had no duty to preserve relevant  
3 information prior to the time this litigation was reasonably anticipated.

4 **OBJECTIONS TO DEFINITIONS**

5 **A. "YOU" or "YOUR" means the defendant in this lawsuit and**  
6 **any related entity that has possession and/or control of the**  
7 **DOCUMENTS described requested or items which are**  
8 **sought to be inspected.**

9 State Farm objects to the terms "YOU" or "YOUR" because as defined, the  
10 terms are overbroad and over-inclusive, such that they render any category or  
11 request that includes the terms vague, ambiguous, overbroad, and potentially in  
12 violation of the attorney-client privilege and/or attorney work product  
13 doctrine. State Farm shall construe the terms "YOU" or "YOUR" to mean State  
14 Farm in and of itself as an entity only.

15 **B. "DOCUMENT" or "DOCUMENTS" means the same as**  
16 **"writing" as defined in Section 250 of the California Evidence**  
17 **code. "DOCUMENT" and "DOCUMENTS" include the**  
18 **following which are in the possession, custody, or control of**  
19 **YOU or any third-party vendors YOU contract with:**  
20 **electronic communications of any kind, including chats,**  
21 **instant messages, texts, and voicemails; word processing**  
22 **documents, spreadsheets, and databases (including draft**  
23 **versions); database entries, Internet usage files, Internet**  
24 **browser-created files including cookies and caches, activity**  
**logs, calendars, telephone logs, contact manager information,**  
**network access information.**

25 **"DOCUMENT" and "DOCUMENTS" include those to be found on,**  
26 **archived in, or deleted from the following: any on-site or off-site**  
27 **electronic data storage systems or data structures, including but not**  
28 **limited to databases, networks, computer systems, legacy systems**  
**(hardware and software), servers, mainframes, network servers,**  
**cloud-based servers and backup servers or systems, archives,**

Case No. 2:24-cv-02219-DSF DEFENDANT STATE FARM'S RESPONSE TO REQUEST  
FOR PRODUCTION, SET ONE, BY PLAINTIFFS

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1 **backup or disaster recovery systems or facilities, tapes, discs, DVDs,**  
2 **CDROMs, drives, portable or removable drives, cartridges and**  
3 **other storage media, laptops, personal computers, internet data,**  
4 **personal digital assistants, handheld wireless devices, mobile**  
5 **telephones, smart phones, tablet computers, paging devices, and**  
6 **audio systems (including voicemail).**

7 State Farm objects to Plaintiffs' definition of "DOCUMENT" or  
8 "DOCUMENTS" on the grounds that it is overly broad and disproportionate to the  
9 needs of the case. State Farm further object to the definition to the extent it  
10 implies State Farm has an obligation to provide discovery from sources that are  
11 not reasonably accessible. Electronically stored information ("ESI") is frequently  
12 duplicated and disbursed in the ordinary course of business and discovery  
13 regarding all identical copies of ESI would be cumulative and duplicative without  
14 any benefit to the adjudication of this action. Fed. R. Civ. P. 26(b)(2).

15 State Farm also object to the extent this definition seeks discovery regarding ESI  
16 that is ephemeral in nature, such as temporary computer files, log/history files, or  
17 file fragments, as preservation of, and discovery about, such things is not  
18 proportional to the needs of the case. State Farm objects to Plaintiffs' definition  
19 as overly broad, disproportionate to the needs of the case, and beyond the scope of  
20 permissible discovery to the extent Plaintiffs purport to include system  
21 information not created by State Farm's users, such as caches, cookies, or logs, or  
22 otherwise seek to require State Farm to record and/or provide discovery regarding  
23 records and information that are not ordinarily captured and/or are overwritten in  
24 the ordinary course of operating State Farm's computing systems. Fed. R. Civ. P.  
25 26(b)(1).

26 State Farm objects to the inclusion of "DOCUMENTS" which are in the  
27 "possession, custody, or control" of "any third-party vendors" in Plaintiffs'  
28 definition of "DOCUMENT" or "DOCUMENTS" insofar as it purports to impose  
obligations that exceed those set forth in Fed. R. Civ. P. 34(a). State Farm is only

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1 obligated to produce discoverable “DOCUMENTS” within its possession,  
2 custody, or control.

3 State Farm also objects to Plaintiffs’ definition to the extent it may include  
4 “DOCUMENTS” within the possession, custody, or control of State Farm’s  
5 attorneys as production of “DOCUMENTS” within the possession, custody, or  
6 control of State Farm’s attorneys would require the production or disclosure of  
7 information protected from discovery by the attorney-client privilege, work  
8 product doctrine, or other privileges recognized by law.

9 State Farm objects to the inclusion of “draft[s]” in Plaintiffs’ definition of  
10 “DOCUMENT” or “DOCUMENTS” on the grounds that drafts are not  
11 universally relevant to the claims and defenses of a case and are likely to be  
12 cumulative or duplicative. To the extent that a draft is not a business record stored  
13 in a central repository in State Farm’s ordinary course of business, discovery  
14 regarding “draft[s]” would not be proportional to the needs of the case. Fed. R.  
15 Civ. P. 26(b)(1).

16 State Farm objects to the inclusion of “chats”, “instant messages”, and  
17 “texts” in Plaintiffs’ definition of “DOCUMENT” or “DOCUMENTS” on the  
18 grounds that it would be disproportionate to the needs of the case to provide  
19 discovery regarding instant messages and/or text/SMS messages that are not  
20 captured by State Farm in its ordinary course of business. Fed. R. Civ. P.  
21 26(b)(2).

22 State Farm objects to the inclusion of “databases (including draft  
23 versions)”, “database entries”, “Internet usage files”, “Internet browser-created  
24 files including cookies and caches”, “activity logs”, and “network access  
25 information” in Plaintiffs’ definition of “DOCUMENT” or “DOCUMENTS” to  
26 the extent that Plaintiffs purport to seek information regarding State Farm  
27 technical systems and processes that are not relevant to the claims and defenses in  
28 this matter. State Farm further objects that production of a database would require

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1 production of vast amounts of irrelevant information regarding other claims,  
2 would likely result in improper alteration of relevant data, and would require  
3 production of privileged information that could not be redacted. In addition, State  
4 Farm objects that the resources that would be required to produce databases are  
5 significant and would not be proportional under Fed. R. Civ. P. 26. State Farm  
6 also objects on the grounds that databases may be proprietary to State Farm's  
7 business operations and/or may be confidential and trade secret information that  
8 need not be disclosed in order to obtain the fair adjudication of this case.

9 State Farm objects to Plaintiffs' definition insofar as it seeks details  
10 regarding "DOCUMENTS" that have been "deleted" on the grounds that it is  
11 overly broad, unduly burdensome, and purports to impose obligations greater than  
12 those set forth in Fed. R. Civ. P. 26(b)(1) and 34. State Farm objects to the  
13 discovery propounded by Plaintiffs to the extent it purports to call for forensic  
14 investigation into computing devices or systems to determine or locate  
15 information indicating or evidencing ESI that was deleted or that is no longer  
16 accessible as active data on that device or system as not reasonably tailored to  
17 elicit discovery relevant to the claims and defenses of any party, unduly  
18 burdensome, and beyond the scope of permissible discovery. State Farm further  
19 objects that ESI and/or documents that were deleted or no longer exist are not  
20 reasonably accessible and discovery about the same would require extraordinary  
21 efforts that are not proportional to the scope of the matter. Fed. R. Civ. P.  
22 26(b)(2).

23 Furthermore, State Farm objects on the grounds that Plaintiffs' definition is  
24 not limited in time or scope and State Farm had no duty to preserve relevant  
25 information prior to the time this litigation was reasonably anticipated.  
26 State Farm objects to the inclusion of "DOCUMENTS. . . found on, archived in,  
27 or deleted from. . . on-site or off-site electronic data storage", "systems or data  
28 structures", "legacy systems (hardware and software)", "servers", "mainframes",

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“network servers”, “cloud-based servers”, “backup servers or systems”, “archives”, or “backup or disaster recovery systems or facilities” in Plaintiffs’ definition to the extent that Plaintiffs seek discovery regarding ESI from sources that are not reasonably accessible, as it would require unreasonable efforts that are not proportional in light of the claims at issue, the value of the case, or the importance of the discovery at issue. Fed. R. Civ. P. 26(b)(1).

State Farm also objects to the inclusion of information located on such systems in Plaintiffs’ definition of “DOCUMENT” or “DOCUMENTS” on the grounds that data on backup media is likely to be duplicative and/or can be discovered from other sources that are more convenient, less burdensome, and less expensive. Fed. R. Civ. P. 26(b)(2) There is no “routine right of direct access to a party’s electronic information system[s]” and there has been no showing in this case sufficient to overcome this presumption. Fed. R. Civ. P. 34 (Advisory Committee Notes).

In addition, State Farm objects to the inclusion of “tapes”, “discs”, “DVDs”, “CDROMs”, “drives”, “portable or removable drives”, “cartridges”, and “other storage media”, “laptops”, “personal computers”, “internet data”, “personal digital assistants”, “handheld wireless devices”, “mobile telephones”, “smart phones”, “tablet computers”, “paging devices”, and “audio systems (including voicemail)” in Plaintiffs’ definition of “DOCUMENT” or “DOCUMENTS” because such things are not “DOCUMENTS” but rather media on which “DOCUMENTS” and ESI are stored. State Farm further objects to the extent this definition purports to seek direct access to State Farm’s electronic storage media. There is no “routine right of direct access to a party’s electronic information system[s]” and there has been no showing in this case sufficient to overcome this presumption. Fed. R. Civ. P. 34 (Advisory Committee Notes). Finally, State Farm objects to the definition of “DOCUMENT” or “DOCUMENTS” to the extent it would require the disclosure of information

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1 protected from discovery by the attorney-client privilege, work product doctrine,  
2 or other privileges recognized by law.

3 Notwithstanding these objections, to the extent any responsive documents  
4 or ESI are produced, State Farm will produce reasonably accessible, relevant, non-  
5 privileged information in reasonably usable formats. Documents that contain  
6 redactions will be produced in static image format.

7  
8 **I. “TRAINING TRANSCRIPT” means any DOCUMENT**  
9 **maintained by YOU consisting of a record or list of training**  
10 **exercises, continuing education courses, assessments, and/or**  
11 **knowledge checks completed by anyone employed by YOU**  
12 **on a permanent and/or temporary basis.**

13 State Farm restates and incorporates in full by reference its objection to  
14 Plaintiffs’ definition of “DOCUMENT” or “DOCUMENTS” and applies the same  
15 to Plaintiffs’ definition of “TRAINING TRANSCRIPT”.

16 **J. “MY BLOCK” means the record of monthly or other**  
17 **periodic written assessments and/or evaluations of work**  
18 **performed by each individual employed by YOU who is either**  
19 **responsible for the INVESTIGATION and/or**  
20 **ADJUSTMENT of first party property claims or responsible**  
21 **for supervising others that are responsible for the**  
22 **INVESTIGATION and/or ADJUSTMENT of first party**  
23 **property claims.**

24 State Farm objects to the term “MY BLOCK” as vague, ambiguous,  
25 overbroad and disproportionate to the needs of the case. Further, the definition is  
26 not limited to the type of claim or issues involved in this matter. State Farm  
27 further objects to the definition to the extent it implies State Farm has an  
28 obligation to provide discovery from sources that are not reasonably  
accessible. Electronically stored information (“ESI”) is frequently duplicated and  
disbursed in the ordinary course of business and discovery regarding all identical

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1 copies of ESI would be cumulative, duplicative, and impose unnecessary burdens  
2 without any benefit to the adjudication of this action. Fed. R. Civ. P.  
3 26(b)(2). Finally, State Farm objects to the definition of “MY BLOCK” to the  
4 extent it would require the disclosure of information protected from discovery by  
5 the attorney-client privilege, work product doctrine, or other privileges recognized  
6 by law.

7 **M. If you claim that any document otherwise required to be**  
8 **produced by this request for production of documents is**  
9 **privileged, for each such document provide the following**  
10 **information.**

- 11 **a. The document’s title and general subject matter;**  
12 **b. The date of the document;**  
13 **c. The author of the document;**  
14 **d. The person for whom the document was prepared or**  
15 **to whom it was sent, including all persons who**  
16 **received copies of the document;**  
17 **e. The nature of the privilege claimed; and**  
18 **f. Each fact upon which you base your claim of**  
19 **privilege.**

20 State Farm objects to Plaintiffs’ definition insofar as it directs State Farm to  
21 undertake efforts that exceed the requirements of Fed. R. Civ. P. 26(b)(5). State  
22 Farm will withhold privileged and/or protected material or information and  
23 describe the same in accordance with the Federal Rules of Civil Procedure and  
24 substantive law.

25 **RESPONSES TO REQUESTS FOR PRODUCTION**  
26 **OF DOCUMENTS, SET ONE**  
27  
28

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**REQUEST FOR PRODUCTION NO. 1:**

The complete underwriting file relating to policies of insurance YOU issued to PLAINTIFFS.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

State Farm objects to producing insurance policies beyond the specific policy/policies at issue in this litigation on the grounds that it is overly broad in scope and time. State Farm objects to this request on the grounds that it is overly broad in scope (not limited to materials applicable to the specific insurance claims and/or coverages at issue in this litigation) and time (not limited to a reasonable period of time). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. There is no dispute that the applicable policy was in effect on the date of loss. State Farm further objects to this request to the extent it assumes a physical underwriting file folder exists, and because this request is vague and ambiguous as to what is meant by a “complete underwriting file”. State Farm does not maintain a physical file folder with respect to most insurance policies issued. Rather, underwriting information is stored electronically in multiple locations. Consequently, this request has the potential to be unduly burdensome. State Farm further objects to the extent this request seeks information that may be protected by the attorney-client privilege and work product doctrine. The policy contract in this case speaks for itself.

**REQUEST FOR PRODUCTION NO. 2:**

All inspection reports for the PROPERTY, whether from before or after the LOSS or CLAIM.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

State Farm objects to this request on the grounds that it is overly broad due to the use of the term “All” with respect to the broad categories of documents

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1 potentially encompassed in this request. Further, this request is overly broad in  
2 scope (not limited to materials pertinent to the specific insurance claims and/or  
3 coverages at issue in this litigation) and time (completely unrestricted in time; not  
4 limited to any reasonable period of time by seeking information “whether from  
5 before or after the LOSS or CLAIM”). This request is not reasonably tailored to  
6 include only matters relevant to the issues involved in this lawsuit and is  
7 potentially unduly burdensome; it seeks information that is neither relevant to the  
8 claims or defense of any party nor proportional to the issues in this case. State  
9 Farm expressly objects to this request to the extent it seeks information and/or  
10 documentation pertaining to other, unrelated claims; each claim is handled on its  
11 individual merits.

12 Subject to and without waiving said objections, see relevant, non-privileged  
13 information contained within the Claim File at bates numbers Tong CF 001-244.

14 **REQUEST FOR PRODUCTION NO. 3:**

15 Any communications between YOU and any sales agent or broker  
16 concerning the PLAINTIFFS, PROPERTY, CLAIM, or LOSS.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

18 State Farm objects to this request on the grounds that it is overly broad due  
19 to the use of the term “any” with respect to the broad categories of documents  
20 potentially encompassed in this request. Further, this request is overly broad in  
21 scope (not limited to materials pertinent to the specific insurance claims and/or  
22 coverages at issue in this litigation) and time (completely unrestricted in time; not  
23 limited to any reasonable period of time). This request is not reasonably tailored to  
24 include only matters relevant to the issues involved in this lawsuit and is  
25 potentially unduly burdensome; it seeks information that is neither relevant nor  
26 proportional to the issues in this case. State Farm expressly objects to this request  
27 to the extent it seeks information and/or documentation pertaining to other,  
28 unrelated claims; each claim is handled on its individual merits.

15

Case No. 2:24-cv-02219-DSF DEFENDANT STATE FARM’S RESPONSE TO REQUEST  
FOR PRODUCTION, SET ONE, BY PLAINTIFFS

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Subject to and without waiving said objections, see non-privileged information contained within the Claim File at bates numbers Tong CF 001-244.

**REQUEST FOR PRODUCTION NO. 4:**

A copy of the POLICY, including any applicable endorsements to the POLICY, YOU issued to the PLAINTIFFS that was in effect at the time of the LOSS.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

State Farm has produced a copy of the policy with its initial disclosures, bates numbers Tong POLICY 1-64.

**REQUEST FOR PRODUCTION NO. 5:**

YOUR complete claim file for the LOSS.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

State Farm does not maintain a physical file folder with respect to most claims. Information regarding the claim at issue in this litigation is created, stored, managed and accessed primarily in and through the Enterprise Claims System (“ECS”), a proprietary web-based system used by State Farm claims associates. “Claim File” has a distinct meaning to State Farm based upon the portion of its Operation Guide that provides instructions on what to retrieve from ECS to generate a Claim File for production outside the ECS environment. State Farm has produced its Claim File for the subject claim (Bates numbers Tong CF 001-244) as it does in the usual course of business pursuant to its Operation Guide 825-100. State Farm expressly objects to this request to the extent it seeks information protected by the attorney client privilege and/or attorney work product doctrine, and it is withholding portions of its Claim File that contain information protected by the attorney client privilege and/or is work product.

**REQUEST FOR PRODUCTION NO. 6:**

All DOCUMENTS reflecting or containing communications, electronic or otherwise, between or among YOU, and anyone concerning the PLAINTIFFS,

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1 LOSS, PROPERTY, or CLAIM, from March 1, 2024, to the date of production.  
2 This should include, but not be limited to, records of Microsoft Teams  
3 communications that occurred during YOUR INVESTIGATION and  
4 ADJUSTMENT of the CLAIM.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

6 State Farm objects to this request on the grounds that it is overly broad due  
7 to the use of the terms “All” and “anyone” with respect to the broad categories of  
8 documents potentially encompassed in this request. Further, this request is overly  
9 broad in scope (not limited to materials pertinent to the specific insurance claims  
10 and/or coverages at issue in this litigation) and time (completely unrestricted in  
11 time; not limited to any reasonable period of time). This request is not reasonably  
12 tailored to include only matters relevant to the issues involved in this lawsuit and is  
13 potentially unduly burdensome; it seeks information that is neither relevant nor  
14 proportional to the issues in this case. State Farm expressly objects to this request  
15 to the extent it seeks information and/or documentation pertaining to other,  
16 unrelated claims; each claim is handled on its individual merits.

17 Subject to and without waiving said objections, see non-privileged  
18 information contained within the Claim File at bates numbers Tong CF 001-244.  
19 State Farm will produce any additional responsive documents, including records of  
20 Microsoft Teams communications, located after a reasonable search.

21 **REQUEST FOR PRODUCTION NO. 7:**

22 Each photograph of the PROPERTY before or after the LOSS.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

24 State Farm objects that this Request is vague, ambiguous, and overbroad.  
25 State Farm objects that this Request calls for information not relevant to any claim  
26 or defense and not reasonably calculated to lead to the discovery of admissible  
27 evidence. State Farm objects that this Request calls for information not in State  
28 Farm’s possession, custody or control.

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1 Subject to and without waiving any objection, State Farm responds:  
2 Photographs of the property are included in the Claim File, bates numbers  
3 Tong CF 001-244.

4 **REQUEST FOR PRODUCTION NO. 8:**

5 Each video related to or concerning the PLAINTIFFS, CLAIM, LOSS, or  
6 PROPERTY.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

8 State Farm objects that this Request is vague, ambiguous, and overbroad.  
9 State Farm objects that this Request calls for information not relevant to any claim  
10 or defense and not reasonably calculated to lead to the discovery of admissible  
11 evidence. State Farm objects that this Request calls for information not in State  
12 Farm's possession, custody or control.

13 Subject to and without waiving any objection, State Farm responds:

14 State Farm has produced copies of videos with its Rule 26 initial disclosures.

15 **REQUEST FOR PRODUCTION NO. 9:**

16 Each copy, transcription, or notes of any recording, including any recorded  
17 telephone calls, YOU possess relating to the PLAINTIFFS, PROPERTY, LOSS, or  
18 CLAIM.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

20 State Farm objects to this request as overly broad and potentially unduly  
21 burdensome. This request is not reasonably tailored to include only matters  
22 relevant to the issues involved in this lawsuit and is potentially unduly  
23 burdensome; it seeks information that is neither relevant to the claims or defenses  
24 of any party nor proportional to the needs of the case, as any transcribed  
25 statement(s) secured in connection with the subject loss may be found within the  
26 records produced from the Enterprise Claim System. Further, due to the overly  
27 broad nature of this request, the question is also a potential invasion of the  
28 attorney-client privilege and the work product doctrine.

18

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1 Subject to and without waiving said objections, see non-privileged  
2 information contained within the Claim File at bates numbers Tong CF 001-244.

3 **REQUEST FOR PRODUCTION NO. 10:**

4 All DOCUMENTS relating to the CLAIM maintained by YOU as required  
5 by 10 CCR section 2695.3.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

7 State Farm does not maintain a physical file folder with respect to most  
8 claims. Information regarding the claim at issue in this litigation is created, stored,  
9 managed and accessed primarily in and through the Enterprise Claims System  
10 (“ECS”), a proprietary web-based system used by State Farm claims  
11 associates. “Claim File” has a distinct meaning to State Farm based upon the  
12 portion of its Operation Guide that provides instructions on what to retrieve from  
13 ECS to generate a Claim File for production outside the ECS environment. State  
14 Farm has produced its Claim File for the subject claim (Bates numbers Tong CF  
15 001-244) as it does in the usual course of business pursuant to its Operation Guide  
16 825-100. State Farm will produce any additional responsive documents, including  
17 records of Microsoft Teams communications, located after a reasonable search.

18 State Farm expressly objects to this request to the extent it seeks information  
19 protected by the attorney client privilege and/or attorney work product doctrine,  
20 and it is withholding portions of its Claim File that contain information protected  
21 by the attorney client privilege and/or is work product.

22 To the extent that this request seeks production of information other than the  
23 “Claim File” as described above, State Farm objects to this request as overbroad,  
24 vague, ambiguous, unduly burdensome, and as seeking information that is neither  
25 relevant to the claims or defense of any party nor proportional to the issues in this  
26 case. Further, the documents sought may also violate the attorney-client privilege  
27 and work product doctrine.

28 **REQUEST FOR PRODUCTION NO. 11:**

19

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DOCUMENTS reflecting the California Fair Claims Settlement Practices Regulations YOU provided to YOUR employees or agents who INVESTIGATED and/or ADJUSTED the CLAIM.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

State Farm objects to this request on the grounds that it is overly broad in scope (types of claims and insurance coverage), time (not limited by the period of time when this claim was handled), and geographic area (not limited to California). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm's procedures are intended to provide guidance, but each claim is handled on its own merits. State Farm objects to the extent this request purports to seek information subject to the attorney-client privilege or work product doctrine. Finally, State Farm objects to this request to the extent it seeks confidential, proprietary business information and/or trade secrets. Plaintiffs have not established that such information is necessary to a fair adjudication of this case.

Subject to and without waiving the aforementioned objections, State Farm will produce the relevant non-confidential and/or non-trade secret sections of the Operation Guide applicable and in effect during the relevant timeframe along with the Standard Claim Processes and Jurisdictional References applicable and in effect on the date of loss and additional materials representative of resources available during the relevant timeframe. State Farm will produce the relevant confidential and/or trade secret sections upon execution of the protective order.

For information reflecting the application of claims procedures to Plaintiffs' claim, see the Claim File for the claim at issue in this litigation. "Claim File" has a distinct meaning to State Farm based upon the portion of its Operation Guide that provides instructions on what to retrieve from ECS to generate a Claim File for production outside the ECS environment. State Farm [will produce] [has

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1 produced] its Claim File for the subject claim (Bates numbers Tong CF 001-244)  
2 in reasonably usable format as it does in the ordinary course of business pursuant  
3 to its Operation Guide. State Farm is withholding information protected by the  
4 attorney client privilege and/or that is work product. State Farm is producing the  
5 non-privileged documents described above and withholding other potentially  
6 responsive documents based on the stated objections.

7 **REQUEST FOR PRODUCTION NO. 12:**

8 All DOCUMENTS identified in YOUR initial disclosures pursuant to  
9 Federal Rules of Civil Procedure 26(a).

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

11 State Farm has already produced all documents identified in its Initial  
12 Disclosures.

13 **REQUEST FOR PRODUCTION NO. 13:**

14 All DOCUMENTS YOU intend to rely on or offer at trial in this case in  
15 support of any defense asserted by YOU.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

17 Objection. The request calls for information protected by the attorney client  
18 privilege and/or the attorney work-produce doctrine. The request also seeks  
19 premature disclosure of documentation to be used at trial. State Farm objects that  
20 discovery is ongoing; State Farm reserves the right to amend or supplement its  
21 response or its production of documents as warranted.

22 **REQUEST FOR PRODUCTION NO. 14:**

23 DOCUMENTS sufficient to demonstrate YOUR financial condition and  
24 annual net profits for the years of 2022, 2023 and 2024.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

26 State Farm objects to this request as it is vague, and ambiguous, specifically  
27 with respect to the use of the term "financial condition". State Farm objects to this  
28 request as it seeks information that is neither relevant to the claims or defenses of

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any party nor proportional to the needs of this case. State Farm objects to identifying documents in its possession that establish its financial condition to the extent that literal compliance would require State Farm to produce multiple documents reflecting the same information.

**REQUEST FOR PRODUCTION NO. 15:**

Each TRAINING TRANSCRIPT for Gerald Acosta.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

State Farm objects to this request as vague, ambiguous, and overly broad with respect to the use of the terms “Each TRAINING TRANSCRIPT”. State Farm further objects to this request on the grounds that it is overly broad in scope (not limited to materials applicable to the specific insurance claims and/or coverages at issue in this litigation; not limited to materials pertinent to the claims personnel who adjusted the subject claim), time (not limited to a reasonable period of time), and geographic area (not limited to materials applicable to California).

This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm’s procedures are intended to provide guidance, but each claim is handled on its own merits. Moreover, materials on which individuals were trained prior to the date of loss, and which were obsolete on the date of loss, which pertain only to other losses, and/or which pertain only to other areas of the country, are neither material nor relevant to the matters at issue in this case. Finally, State Farm objects to this request to the extent it seeks confidential, proprietary business information and/or trade secrets. Plaintiffs have not established that such information is necessary to a fair adjudication of this case. Subject to and without waiving said objections, and subject to a protective order, State Farm will produce the training transcript for Mr. Acosta for the dates of March 3, 2022 to March 19, 2024.

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**REQUEST FOR PRODUCTION NO. 16:**

Each MY BLOCK report for Gerald Acosta from January 1, 2023, through the date of production.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

State Farm objects to this request on the grounds that it is overbroad in scope (not limited in terms of scope of employment or assignment; not limited to materials pertinent to the specific insurance claims and/or coverages at issue in this litigation) and time (not limited to a reasonable period of time). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. This type of inquiry goes beyond what is needed to address the claims and defenses at issue; it is not likely to assist in the resolution of this this case, and therefore any burden to State Farm would be disproportionate to the scope of the matter. State Farm further objects to this request because it unduly invades the privacy of its employees and is broad enough to potentially implicate information that is confidential, proprietary business information. Plaintiffs have not established that such information is necessary to a fair adjudication of this case.

**REQUEST FOR PRODUCTION NO. 17:**

All DOCUMENTS used in any formal training of Gerald Acosta at any time to INVESTIGATE and ADJUST water losses.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

State Farm objects to this request as vague, ambiguous, and overly broad with respect to the use of the terms “All DOCUMENTS used in any formal training”. State Farm further objects to this request on the grounds that it is overly broad in scope (not limited to materials applicable to the specific insurance claims and/or coverages at issue in this litigation; not limited to materials pertinent to the claims personnel who adjusted the subject claim), time (not limited to a reasonable

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period of time), and geographic area (not limited to materials applicable to California). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm's procedures are intended to provide guidance, but each claim is handled on its own merits. Moreover, materials on which individuals were trained prior to the date of loss, and which were obsolete on the date of loss, which pertain only to other losses, and/or which pertain only to other areas of the country, are neither material nor relevant to the matters at issue in this case. Finally, State Farm objects to this request to the extent it seeks confidential, proprietary business information and/or trade secrets. Plaintiffs have not established that such information is necessary to a fair adjudication of this case.

Subject to and without waiving same, and pursuant to a protective order, State Farm will produce materials reflected on Mr. Acosta's training transcript for the period of March 3, 2022 to March 19, 2024.

**REQUEST FOR PRODUCTION NO. 18:**

All guidelines available to Gerald Acosta at the time of the LOSS to assist him to INVESTIGATE and ADJUST water losses.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

State Farm objects to this request on the grounds that it is overly broad in scope (types of claims and insurance coverage), time (not limited by the period of time when this claim was handled), and geographic area (not limited to California). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm's procedures are intended to provide guidance, but each claim is handled on its own merits. State Farm objects to the extent this

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request purports to seek information subject to the attorney-client privilege or work product doctrine. Finally, State Farm objects to this request to the extent it seeks confidential, proprietary business information and/or trade secrets. Plaintiffs have not established that such information is necessary to a fair adjudication of this case.

Subject to and without waiving the aforementioned objections, State Farm will produce the relevant non-confidential and/or non-trade secret sections of the Operation Guide applicable and in effect during the relevant timeframe along with the Standard Claim Processes and Jurisdictional References applicable and in effect on the date of loss and additional materials representative of resources available during the relevant timeframe. State Farm will produce the relevant confidential and/or trade secret sections upon execution of the protective order.

For information reflecting the application of claims procedures to Plaintiffs' claim, see the Claim File for the claim at issue in this litigation. "Claim File" has a distinct meaning to State Farm based upon the portion of its Operation Guide that provides instructions on what to retrieve from ECS to generate a Claim File for production outside the ECS environment. State Farm has produced its Claim File for the subject claim (Bates numbers Tong CF 001-244) in reasonably usable format as it does in the ordinary course of business pursuant to its Operation Guide. State Farm is withholding information protected by the attorney client privilege and/or that is work product. State Farm is producing the non-privileged documents described above and withholding other potentially responsive documents based on the stated objections.

**REQUEST FOR PRODUCTION NO. 19:**

All DOCUMENTS used in any formal training of Gerald Acosta to apply the exclusion in the POLICY which provides: "(8) water or sewage below the surface of the ground, including water or sewage that exerts pressure on, or seeps or leaks through a *building structure*, sidewalk, driveway, swimming pool, or other structure ...."

25

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**RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

State Farm objects to this request as vague, ambiguous, and overly broad with respect to the use of the terms “All DOCUMENTS used in any formal training”. State Farm further objects to this request on the grounds that it is overly broad in scope (not limited to materials applicable to the specific insurance claims and/or coverages at issue in this litigation; not limited to materials pertinent to the claims personnel who adjusted the subject claim), time (not limited to a reasonable period of time), and geographic area (not limited to materials applicable to California). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm’s procedures are intended to provide guidance, but each claim is handled on its own merits. Moreover, materials on which individuals were trained prior to the date of loss, and which were obsolete on the date of loss, which pertain only to other losses, and/or which pertain only to other areas of the country, are neither material nor relevant to the matters at issue in this case. Finally, State Farm objects to this request to the extent it seeks confidential, proprietary business information and/or trade secrets. Plaintiffs have not established that such information is necessary to a fair adjudication of this case. Subject to and without waiving said objections, and pursuant to a protective order, State Farm will produce training related to water losses that appear on the training transcript for Gerald Acosta for the period of March 3, 2022 to March 19, 2024.

**REQUEST FOR PRODUCTION NO. 20:**

All guidelines available to Gerald Acosta at the time of the LOSS to assist him to apply the exclusion in the POLICY which provides: “(8) water or sewage below the surface of the ground, including water or sewage that exerts pressure on,

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1 or seeps or leaks through a **building structure**, sidewalk, driveway, swimming  
2 pool, or other structure ....”

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

4 State Farm objects to this request on the grounds that it is overly broad in  
5 scope (types of claims and insurance coverage), time (not limited by the period of  
6 time when this claim was handled), and geographic area (not limited to California).  
7 This request is not reasonably tailored to include only matters relevant to the issues  
8 involved in this lawsuit and is potentially unduly burdensome; it seeks information  
9 that is neither relevant to the claims or defense of any party nor proportional to the  
10 issues in this case. State Farm’s procedures are intended to provide guidance, but  
11 each claim is handled on its own merits. State Farm objects to the extent this  
12 request purports to seek information subject to the attorney-client privilege or work  
13 product doctrine. Finally, State Farm objects to this request to the extent it seeks  
14 confidential, proprietary business information and/or trade secrets. Plaintiffs have  
15 not established that such information is necessary to a fair adjudication of this case.

16 Subject to and without waiving the aforementioned objections, State Farm  
17 will produce the relevant non-confidential and/or non-trade secret sections of the  
18 Operation Guide applicable and in effect during the relevant timeframe along with  
19 the Standard Claim Processes and Jurisdictional References applicable and in  
20 effect on the date of loss and additional materials representative of resources  
21 available during the relevant timeframe. State Farm will produce the relevant  
22 confidential and/or trade secret sections upon execution of the protective order.

23 For information reflecting the application of claims procedures to Plaintiffs’  
24 claim, see the Claim File for the claim at issue in this litigation. “Claim File” has a  
25 distinct meaning to State Farm based upon the portion of its Operation Guide that  
26 provides instructions on what to retrieve from ECS to generate a Claim File for  
27 production outside the ECS environment. State Farm has produced its Claim File  
28 for the subject claim (Bates numbers CF Tong 001-244) in reasonably usable

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1 format as it does in the ordinary course of business pursuant to its Operation  
2 Guide. State Farm is withholding information protected by the attorney client  
3 privilege and/or that is work product. State Farm is producing the non-privileged  
4 documents described above and withholding other potentially responsive  
5 documents based on the stated objections.

6 **REQUEST FOR PRODUCTION NO. 21:**

7 All DOCUMENTS used in any formal training of Gerald Acosta to apply  
8 the exclusion in the POLICY which provides: “(9) seepage or leakage of water,  
9 steam, or sewage that occurs or develops over a period of time: (a) and is: (i)  
10 continuous; (ii) repeating; (iii) gradual; (iv) intermittent; (v) slow; or (vi) trickling;  
11 and (b) from a: (i) heating, air conditioning, or automatic fire protective sprinkler  
12 system; (ii) household appliance; or plumbing system, including from, within or  
13 around any shower stall, shower bath, tub installation, or other plumbing fixture,  
14 including their walls, ceilings, or floors.”

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

16 State Farm objects to this request as vague, ambiguous, and overly broad  
17 with respect to the use of the terms “All DOCUMENTS used in any formal  
18 training”. State Farm further objects to this request on the grounds that it is overly  
19 broad in scope (not limited to materials applicable to the specific insurance claims  
20 and/or coverages at issue in this litigation; not limited to materials pertinent to the  
21 claims personnel who adjusted the subject claim), time (not limited to a reasonable  
22 period of time), and geographic area (not limited to materials applicable to  
23 California). This request is not reasonably tailored to include only matters relevant  
24 to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks  
25 information that is neither relevant to the claims or defense of any party nor  
26 proportional to the issues in this case. State Farm’s procedures are intended to  
27 provide guidance, but each claim is handled on its own merits. Moreover, materials  
28 on which individuals were trained prior to the date of loss, and which were

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1 obsolete on the date of loss, which pertain only to other losses, and/or which  
2 pertain only to other areas of the country, are neither material nor relevant to the  
3 matters at issue in this case. Finally, State Farm objects to this request to the extent  
4 it seeks confidential, proprietary business information and/or trade secrets.  
5 Plaintiffs have not established that such information is necessary to a fair  
6 adjudication of this case. Subject to and without waiving said objections, and  
7 pursuant to a protective order, State Farm will produce training related to water  
8 losses that appear on the training transcript for Gerald Acosta for the period of  
9 March 3, 2022 to March 19, 2024.

10 **REQUEST FOR PRODUCTION NO. 22:**

11 All guidelines available to Gerald Acosta at the time of the LOSS to assist  
12 him to apply the exclusion in the POLICY which provides: ““(9) seepage or  
13 leakage of water, steam, or sewage that occurs or develops over a period of time:  
14 (a) and is: (i) continuous; (ii) repeating; (iii) gradual; (iv) intermittent; (v) slow; or  
15 (vi) trickling; and (b) from a: (i) heating, air conditioning, or automatic fire  
16 protective sprinkler system; (ii) household appliance; or (iii) plumbing system,  
17 including from, within or around any shower stall, shower bath, tub installation, or  
18 other plumbing fixture, including their walls, ceilings, or floors.”

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

20 State Farm objects to this request on the grounds that it is overly broad in  
21 scope (types of claims and insurance coverage), time (not limited by the period of  
22 time when this claim was handled), and geographic area (not limited to California).  
23 This request is not reasonably tailored to include only matters relevant to the issues  
24 involved in this lawsuit and is potentially unduly burdensome; it seeks information  
25 that is neither relevant to the claims or defense of any party nor proportional to the  
26 issues in this case. State Farm’s procedures are intended to provide guidance, but  
27 each claim is handled on its own merits. State Farm objects to the extent this  
28 request purports to seek information subject to the attorney-client privilege or work

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1 product doctrine. Finally, State Farm objects to this request to the extent it seeks  
2 confidential, proprietary business information and/or trade secrets. Plaintiffs have  
3 not established that such information is necessary to a fair adjudication of this case.

4 Subject to and without waiving the aforementioned objections, State Farm  
5 will produce the relevant non-confidential and/or non-trade secret sections of the  
6 Operation Guide applicable and in effect during the relevant timeframe along with  
7 the Standard Claim Processes and Jurisdictional References applicable and in  
8 effect on the date of loss and additional materials representative of resources  
9 available during the relevant timeframe. State Farm will produce the relevant  
10 confidential and/or trade secret sections upon execution of the protective order.

11 For information reflecting the application of claims procedures to Plaintiffs'  
12 claim, see the Claim File for the claim at issue in this litigation. "Claim File" has a  
13 distinct meaning to State Farm based upon the portion of its Operation Guide that  
14 provides instructions on what to retrieve from ECS to generate a Claim File for  
15 production outside the ECS environment. State Farm has produced its Claim File  
16 for the subject claim (Bates numbers Tong CF 001-244) in reasonably usable  
17 format as it does in the ordinary course of business pursuant to its Operation  
18 Guide. State Farm is withholding information protected by the attorney client  
19 privilege and/or that is work product. State Farm is producing the non-privileged  
20 documents described above and withholding other potentially responsive  
21 documents based on the stated objections.

22 **REQUEST FOR PRODUCTION NO. 23:**

23 All DOCUMENTS used in any formal training of Gerald Acosta at any time  
24 to INVESTIGATE and ADJUST loss of use and/or additional living expense  
25 claims.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

27 State Farm objects to this request as vague, ambiguous, and overly broad  
28 with respect to the use of the terms "All DOCUMENTS used in any formal

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training”. State Farm further objects to this request on the grounds that it is overly broad in scope (not limited to materials applicable to the specific insurance claims and/or coverages at issue in this litigation; not limited to materials pertinent to the claims personnel who adjusted the subject claim), time (not limited to a reasonable period of time), and geographic area (not limited to materials applicable to California). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm’s procedures are intended to provide guidance, but each claim is handled on its own merits. Moreover, materials on which individuals were trained prior to the date of loss, and which were obsolete on the date of loss, which pertain only to other losses, and/or which pertain only to other areas of the country, are neither material nor relevant to the matters at issue in this case. Finally, State Farm objects to this request to the extent it seeks confidential, proprietary business information and/or trade secrets. Plaintiffs have not established that such information is necessary to a fair adjudication of this case. Subject to and without waiving said objections, and pursuant to a protective order, State Farm will produce training related to ALE that appear on the training transcript for Gerald Acosta for the period of March 3, 2022 to March 19, 2024.

**REQUEST FOR PRODUCTION NO. 24:**

All guidelines available to Gerald Acosta at the time of the LOSS to assist him to INVESTIGATE and ADJUST loss of use and/or additional living expense claims.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

State Farm objects to this request on the grounds that it is overly broad in scope (types of claims and insurance coverage), time (not limited by the period of time when this claim was handled), and geographic area (not limited to California).

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1 This request is not reasonably tailored to include only matters relevant to the issues  
2 involved in this lawsuit and is potentially unduly burdensome; it seeks information  
3 that is neither relevant to the claims or defense of any party nor proportional to the  
4 issues in this case. State Farm's procedures are intended to provide guidance, but  
5 each claim is handled on its own merits. State Farm objects to the extent this  
6 request purports to seek information subject to the attorney-client privilege or work  
7 product doctrine. Finally, State Farm objects to this request to the extent it seeks  
8 confidential, proprietary business information and/or trade secrets. Plaintiffs have  
9 not established that such information is necessary to a fair adjudication of this case.

10 Subject to and without waiving the aforementioned objections, State Farm  
11 will produce the relevant non-confidential and/or non-trade secret sections of the  
12 Operation Guide applicable and in effect during the relevant timeframe along with  
13 the Standard Claim Processes and Jurisdictional References applicable and in  
14 effect on the date of loss and additional materials representative of resources  
15 available during the relevant timeframe. State Farm will produce the relevant  
16 confidential and/or trade secret sections upon execution of the protective order.

17 For information reflecting the application of claims procedures to Plaintiffs'  
18 claim, see the Claim File for the claim at issue in this litigation. "Claim File" has a  
19 distinct meaning to State Farm based upon the portion of its Operation Guide that  
20 provides instructions on what to retrieve from ECS to generate a Claim File for  
21 production outside the ECS environment. State Farm has produced its Claim File  
22 for the subject claim (Bates numbers Tong CF 001-244) in reasonably usable  
23 format as it does in the ordinary course of business pursuant to its Operation  
24 Guide. State Farm is withholding information protected by the attorney client  
25 privilege and/or that is work product. State Farm is producing the non-privileged  
26 documents described above and withholding other potentially responsive  
27 documents based on the stated objections.

28 **REQUEST FOR PRODUCTION NO. 25:**

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Case No. 2:24-cv-02219-DSF DEFENDANT STATE FARM'S RESPONSE TO REQUEST  
FOR PRODUCTION, SET ONE, BY PLAINTIFFS

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1 YOUR PERFORMANCE REVIEW of Gerald Acosta including but not  
2 limited to any internal disciplinary actions or threatened internal disciplinary  
3 actions, from January 1, 2023, to the date of production.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

5 State Farm objects to this request on the grounds that it is overbroad in scope  
6 (not limited in terms of scope of employment or assignment; not limited to  
7 materials pertinent to the specific insurance claims and/or coverages at issue in this  
8 litigation) and time (not limited to a reasonable period of time). This request is not  
9 reasonably tailored to include only matters relevant to the issues involved in this  
10 lawsuit; it seeks information that is neither relevant to the claims or defense of any  
11 party nor proportional to the issues in this case. This type of inquiry goes beyond  
12 what is needed to address the claims and defenses at issue; it is not likely to assist  
13 in the resolution of this this case, and therefore any burden to State Farm would be  
14 disproportionate to the scope of the matter. State Farm further objects to this  
15 request because it unduly invades the privacy of its employees and is broad enough  
16 to potentially implicate information that is confidential, proprietary business  
17 information. Plaintiffs have not established that such information is necessary to a  
18 fair adjudication of this case.

19 **REQUEST FOR PRODUCTION NO. 26:**

20 DOCUMENTS describing YOUR metrics used to assess or measure job  
21 performance of Gerald Acosta from January 1, 2023, to the date of production.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

23 State Farm objects to this request as vague and ambiguous as stated,  
24 specifically with respect to the use of the terms “DOCUMENTS describing” and  
25 “metrics used to assess or measure job performance” Further, this request is also  
26 overbroad in scope (not limited to the employees who actually handled the subject  
27 claim) and time (not limited to a reasonable period of time). This request is not  
28 reasonably tailored to include only matters relevant to the issues involved in this

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FOR PRODUCTION, SET ONE, BY PLAINTIFFS

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lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm further objects to this request to the extent it calls for confidential, proprietary business information. Plaintiffs have not established that such information is necessary to a fair adjudication of this case.

**REQUEST FOR PRODUCTION NO. 27:**

DOCUMENTS describing goals set for the job performance for first-party homeowners' property claims adjusters such as Gerald Acosta from January 1, 2020, to the date of production.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

State Farm objects to this request as vague and ambiguous as stated, specifically with respect to the use of the terms "DOCUMENTS describing goals", "job performance", and "first-party homeowners' property claims adjusters" Further, this request is also overbroad in scope (not limited to the employees who actually handled the subject claim) and time (not limited to a reasonable period of time). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm further objects to this request to the extent it calls for confidential, proprietary business information. Plaintiffs have not established that such information is necessary to a fair adjudication of this case.

**REQUEST FOR PRODUCTION NO. 28:**

DOCUMENTS describing specific goals set for Gerald Acosta from January 1, 2023, to the date of production.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

State Farm objects to this request as vague and ambiguous as stated, specifically with respect to the use of the terms "DOCUMENTS describing specific goals" Further, this request is also overbroad in scope (not limited to the

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employees who actually handled the subject claim) and time (not limited to a reasonable period of time). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm further objects to this request to the extent it calls for confidential, proprietary business information. Plaintiffs have not established that such information is necessary to a fair adjudication of this case.

**REQUEST FOR PRODUCTION NO. 29:**

Each TRAINING TRANSCRIPT for Jim Moratto.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

State Farm objects to this request as vague, ambiguous, and overly broad with respect to the use of the terms “Each TRAINING TRANSCRIPT”. State Farm further objects to this request on the grounds that it is overly broad in scope (not limited to materials applicable to the specific insurance claims and/or coverages at issue in this litigation; not limited to materials pertinent to the claims personnel who adjusted the subject claim), time (not limited to a reasonable period of time), and geographic area (not limited to materials applicable to California). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm’s procedures are intended to provide guidance, but each claim is handled on its own merits. Moreover, materials on which individuals were trained prior to the date of loss, and which were obsolete on the date of loss, which pertain only to other losses, and/or which pertain only to other areas of the country, are neither material nor relevant to the matters at issue in this case. Finally, State Farm objects to this request to the extent it seeks confidential, proprietary business information and/or trade secrets. Plaintiffs have not

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1 established that such information is necessary to a fair adjudication of this case.

2 Subject to and without waiving said objections, and pursuant to a protective order,  
3 State Farm will produce the training transcript for Jim Moratto for the period of  
4 March 3, 2022 to March 19, 2024.

5 **REQUEST FOR PRODUCTION NO. 30:**

6 Each MY BLOCK report for Jim Moratto from January 1, 2023, through the  
7 date of production.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

9 State Farm objects to this request on the grounds that it is overbroad in scope  
10 (not limited in terms of scope of employment or assignment; not limited to  
11 materials pertinent to the specific insurance claims and/or coverages at issue in this  
12 litigation) and time (not limited to a reasonable period of time). This request is not  
13 reasonably tailored to include only matters relevant to the issues involved in this  
14 lawsuit; it seeks information that is neither relevant to the claims or defense of any  
15 party nor proportional to the issues in this case. This type of inquiry goes beyond  
16 what is needed to address the claims and defenses at issue; it is not likely to assist  
17 in the resolution of this this case, and therefore any burden to State Farm would be  
18 disproportionate to the scope of the matter. State Farm further objects to this  
19 request because it unduly invades the privacy of its employees and is broad enough  
20 to potentially implicate information that is confidential, proprietary business  
21 information. Plaintiffs have not established that such information is necessary to a  
22 fair adjudication of this case.

23 **REQUEST FOR PRODUCTION NO. 31:**

24 All DOCUMENTS used in any formal training of Jim Moratto at any time  
25 to INVESTIGATE and ADJUST water losses.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

27 State Farm objects to this request as vague, ambiguous, and overly broad  
28 with respect to the use of the terms “All DOCUMENTS used in any formal

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FOR PRODUCTION, SET ONE, BY PLAINTIFFS

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training”. State Farm further objects to this request on the grounds that it is overly broad in scope (not limited to materials applicable to the specific insurance claims and/or coverages at issue in this litigation; not limited to materials pertinent to the claims personnel who adjusted the subject claim), time (not limited to a reasonable period of time), and geographic area (not limited to materials applicable to California). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm’s procedures are intended to provide guidance, but each claim is handled on its own merits. Moreover, materials on which individuals were trained prior to the date of loss, and which were obsolete on the date of loss, which pertain only to other losses, and/or which pertain only to other areas of the country, are neither material nor relevant to the matters at issue in this case. Finally, State Farm objects to this request to the extent it seeks confidential, proprietary business information and/or trade secrets. Plaintiffs have not established that such information is necessary to a fair adjudication of this case. Subject to and without waiving said objections, and pursuant to a protective order, State Farm will produce training related to water losses that appear on the training transcript for Jim Moratto for the period of March 3, 2022 to March 19, 2024.

**REQUEST FOR PRODUCTION NO. 32:**

All guidelines available to Jim Moratto at the time of the LOSS to assist him to INVESTIGATE and ADJUST water losses.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

State Farm objects to this request on the grounds that it is overly broad in scope (types of claims and insurance coverage), time (not limited by the period of time when this claim was handled), and geographic area (not limited to California). This request is not reasonably tailored to include only matters relevant to the issues

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involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm's procedures are intended to provide guidance, but each claim is handled on its own merits. State Farm objects to the extent this request purports to seek information subject to the attorney-client privilege or work product doctrine. Finally, State Farm objects to this request to the extent it seeks confidential, proprietary business information and/or trade secrets. Plaintiffs have not established that such information is necessary to a fair adjudication of this case.

Subject to and without waiving the aforementioned objections, State Farm will produce the relevant non-confidential and/or non-trade secret sections of the Operation Guide applicable and in effect during the relevant timeframe along with the Standard Claim Processes and Jurisdictional References applicable and in effect on the date of loss and additional materials representative of resources available during the relevant timeframe. State Farm will produce the relevant confidential and/or trade secret sections upon execution of the protective order.

For information reflecting the application of claims procedures to Plaintiffs' claim, see the Claim File for the claim at issue in this litigation. "Claim File" has a distinct meaning to State Farm based upon the portion of its Operation Guide that provides instructions on what to retrieve from ECS to generate a Claim File for production outside the ECS environment. State Farm has produced its Claim File for the subject claim (Bates numbers Tong CF 001-244) in reasonably usable format as it does in the ordinary course of business pursuant to its Operation Guide. State Farm is withholding information protected by the attorney client privilege and/or that is work product. State Farm is producing the non-privileged documents described above and withholding other potentially responsive documents based on the stated objections.

**REQUEST FOR PRODUCTION NO. 33:**

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1 All DOCUMENTS used in any formal training of Jim Moratto to apply the  
2 exclusion in the POLICY which provides: “(8) water or sewage below the surface  
3 of the ground, including water or sewage that exerts pressure on, or seeps or leaks  
4 through a **building structure**, sidewalk, driveway, swimming pool, or other  
5 structure ....”

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

7 State Farm objects to this request as vague, ambiguous, and overly broad  
8 with respect to the use of the terms “All DOCUMENTS used in any formal  
9 training”. State Farm further objects to this request on the grounds that it is overly  
10 broad in scope (not limited to materials applicable to the specific insurance claims  
11 and/or coverages at issue in this litigation; not limited to materials pertinent to the  
12 claims personnel who adjusted the subject claim), time (not limited to a reasonable  
13 period of time), and geographic area (not limited to materials applicable to  
14 California). This request is not reasonably tailored to include only matters relevant  
15 to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks  
16 information that is neither relevant to the claims or defense of any party nor  
17 proportional to the issues in this case. State Farm’s procedures are intended to  
18 provide guidance, but each claim is handled on its own merits. Moreover, materials  
19 on which individuals were trained prior to the date of loss, and which were  
20 obsolete on the date of loss, which pertain only to other losses, and/or which  
21 pertain only to other areas of the country, are neither material nor relevant to the  
22 matters at issue in this case. Finally, State Farm objects to this request to the extent  
23 it seeks confidential, proprietary business information and/or trade secrets.  
24 Plaintiffs have not established that such information is necessary to a fair  
25 adjudication of this case. Subject to and without waiving said objections, and  
26 pursuant to a protective order, State Farm will produce training related to water  
27 losses that appear on the training transcript for Jim Moratto for the period of March  
28 3, 2022 to March 19, 2024.

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**REQUEST FOR PRODUCTION NO. 34:**

All guidelines available to Jim Moratto at the time of the LOSS to assist him to apply the exclusion in the POLICY which provides: “(8) water or sewage below the surface of the ground, including water or sewage that exerts pressure on, or seeps or leaks through a *building structure*, sidewalk, driveway, swimming pool, or other structure ....”

**RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

State Farm objects to this request on the grounds that it is overly broad in scope (types of claims and insurance coverage), time (not limited by the period of time when this claim was handled), and geographic area (not limited to California). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm’s procedures are intended to provide guidance, but each claim is handled on its own merits. State Farm objects to the extent this request purports to seek information subject to the attorney-client privilege or work product doctrine. Finally, State Farm objects to this request to the extent it seeks confidential, proprietary business information and/or trade secrets. Plaintiffs have not established that such information is necessary to a fair adjudication of this case.

Subject to and without waiving the aforementioned objections, State Farm will produce the relevant non-confidential and/or non-trade secret sections of the Operation Guide applicable and in effect during the relevant timeframe along with the Standard Claim Processes and Jurisdictional References applicable and in effect on the date of loss and additional materials representative of resources available during the relevant timeframe. State Farm will produce the relevant confidential and/or trade secret sections upon execution of the protective order.

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For information reflecting the application of claims procedures to Plaintiffs' claim, see the Claim File for the claim at issue in this litigation. "Claim File" has a distinct meaning to State Farm based upon the portion of its Operation Guide that provides instructions on what to retrieve from ECS to generate a Claim File for production outside the ECS environment. State Farm has produced its Claim File for the subject claim (Bates numbers Tong CF 001-244) in reasonably usable format as it does in the ordinary course of business pursuant to its Operation Guide. State Farm is withholding information protected by the attorney client privilege and/or that is work product. State Farm is producing the non-privileged documents described above and withholding other potentially responsive documents based on the stated objections.

**REQUEST FOR PRODUCTION NO. 35:**

All DOCUMENTS used in any formal training of Jim Moratto to apply the exclusion in the POLICY which provides: "(9) seepage or leakage of water, steam, or sewage that occurs or develops over a period of time: (a) and is: (i) continuous; (ii) repeating; (iii) gradual; (iv) intermittent; (v) slow; or (vi) trickling; and (b) from a: (i) heating, air conditioning, or automatic fire protective sprinkler system; (ii) household appliance; or plumbing system, including from, within or around any shower stall, shower bath, tub installation, or other plumbing fixture, including their walls, ceilings, or floors."

**RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

State Farm objects to this request as vague, ambiguous, and overly broad with respect to the use of the terms "All DOCUMENTS used in any formal training". State Farm further objects to this request on the grounds that it is overly broad in scope (not limited to materials applicable to the specific insurance claims and/or coverages at issue in this litigation; not limited to materials pertinent to the claims personnel who adjusted the subject claim), time (not limited to a reasonable period of time), and geographic area (not limited to materials applicable to

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California). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm's procedures are intended to provide guidance, but each claim is handled on its own merits. Moreover, materials on which individuals were trained prior to the date of loss, and which were obsolete on the date of loss, which pertain only to other losses, and/or which pertain only to other areas of the country, are neither material nor relevant to the matters at issue in this case. Finally, State Farm objects to this request to the extent it seeks confidential, proprietary business information and/or trade secrets. Plaintiffs have not established that such information is necessary to a fair adjudication of this case. Subject to and without waiving said objections, and pursuant to a protective order, State Farm will produce training related to water losses that appear on the training transcript for Jim Moratto for the period of March 3, 2022 to March 19, 2024.

**REQUEST FOR PRODUCTION NO. 36:**

All guidelines available to Jim Moratto at the time of the LOSS to assist him to apply the exclusion in the POLICY which provides: ““(9) seepage or leakage of water, steam, or sewage that occurs or develops over a period of time: (a) and is: (i) continuous; (ii) repeating; (iii) gradual; (iv) intermittent; (v) slow; or (vi) trickling; and (b) from a: (i) heating, air conditioning, or automatic fire protective sprinkler system; (ii) household appliance; or (iii) plumbing system, including from, within or around any shower stall, shower bath, tub installation, or other plumbing fixture, including their walls, ceilings, or floors.”

**RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

State Farm objects to this request on the grounds that it is overly broad in scope (types of claims and insurance coverage), time (not limited by the period of time when this claim was handled), and geographic area (not limited to California).

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1 This request is not reasonably tailored to include only matters relevant to the issues  
2 involved in this lawsuit and is potentially unduly burdensome; it seeks information  
3 that is neither relevant to the claims or defense of any party nor proportional to the  
4 issues in this case. State Farm's procedures are intended to provide guidance, but  
5 each claim is handled on its own merits. State Farm objects to the extent this  
6 request purports to seek information subject to the attorney-client privilege or work  
7 product doctrine. Finally, State Farm objects to this request to the extent it seeks  
8 confidential, proprietary business information and/or trade secrets. Plaintiffs have  
9 not established that such information is necessary to a fair adjudication of this case.

10 Subject to and without waiving the aforementioned objections, State Farm  
11 will produce the relevant non-confidential and/or non-trade secret sections of the  
12 Operation Guide applicable and in effect during the relevant timeframe along with  
13 the Standard Claim Processes and Jurisdictional References applicable and in  
14 effect on the date of loss and additional materials representative of resources  
15 available during the relevant timeframe. State Farm will produce the relevant  
16 confidential and/or trade secret sections upon execution of the protective order.

17 For information reflecting the application of claims procedures to Plaintiffs'  
18 claim, see the Claim File for the claim at issue in this litigation. "Claim File" has a  
19 distinct meaning to State Farm based upon the portion of its Operation Guide that  
20 provides instructions on what to retrieve from ECS to generate a Claim File for  
21 production outside the ECS environment. State Farm has produced its Claim File  
22 for the subject claim (Bates numbers Tong CF 001-244) in reasonably usable  
23 format as it does in the ordinary course of business pursuant to its Operation  
24 Guide. State Farm is withholding information protected by the attorney client  
25 privilege and/or that is work product. State Farm is producing the non-privileged  
26 documents described above and withholding other potentially responsive  
27 documents based on the stated objections.

28 **REQUEST FOR PRODUCTION NO. 37:**

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1 All DOCUMENTS used in any formal training of Jim Moratto at any time to  
2 INVESTIGATE and ADJUST loss of use and/or additional living expense claims.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

4 State Farm objects to this request as vague, ambiguous, and overly broad  
5 with respect to the use of the terms “All DOCUMENTS used in any formal  
6 training”. State Farm further objects to this request on the grounds that it is overly  
7 broad in scope (not limited to materials applicable to the specific insurance claims  
8 and/or coverages at issue in this litigation; not limited to materials pertinent to the  
9 claims personnel who adjusted the subject claim), time (not limited to a reasonable  
10 period of time), and geographic area (not limited to materials applicable to  
11 California). This request is not reasonably tailored to include only matters relevant  
12 to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks  
13 information that is neither relevant to the claims or defense of any party nor  
14 proportional to the issues in this case. State Farm’s procedures are intended to  
15 provide guidance, but each claim is handled on its own merits. Moreover, materials  
16 on which individuals were trained prior to the date of loss, and which were  
17 obsolete on the date of loss, which pertain only to other losses, and/or which  
18 pertain only to other areas of the country, are neither material nor relevant to the  
19 matters at issue in this case. Finally, State Farm objects to this request to the extent  
20 it seeks confidential, proprietary business information and/or trade secrets.  
21 Plaintiffs have not established that such information is necessary to a fair  
22 adjudication of this case. Subject to and without waiving said objections, and  
23 pursuant to a protective order, State Farm will produce training related to ALE that  
24 appear on the training transcript for Jim Moratto for the period of March 3, 2022 to  
25 March 19, 2024.

26 **REQUEST FOR PRODUCTION NO. 38:**  
27  
28

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1 All guidelines available to Jim Moratto at the time of the LOSS to assist him  
2 to INVESTIGATE and ADJUST loss of use and/or additional living expense  
3 claims.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

5 State Farm objects to this request on the grounds that it is overly broad in  
6 scope (types of claims and insurance coverage), time (not limited by the period of  
7 time when this claim was handled), and geographic area (not limited to California).  
8 This request is not reasonably tailored to include only matters relevant to the issues  
9 involved in this lawsuit and is potentially unduly burdensome; it seeks information  
10 that is neither relevant to the claims or defense of any party nor proportional to the  
11 issues in this case. State Farm's procedures are intended to provide guidance, but  
12 each claim is handled on its own merits. State Farm objects to the extent this  
13 request purports to seek information subject to the attorney-client privilege or work  
14 product doctrine. Finally, State Farm objects to this request to the extent it seeks  
15 confidential, proprietary business information and/or trade secrets. Plaintiffs have  
16 not established that such information is necessary to a fair adjudication of this case.

17 Subject to and without waiving the aforementioned objections, State Farm  
18 will produce the relevant non-confidential and/or non-trade secret sections of the  
19 Operation Guide applicable and in effect during the relevant timeframe along with  
20 the Standard Claim Processes and Jurisdictional References applicable and in  
21 effect on the date of loss and additional materials representative of resources  
22 available during the relevant timeframe. State Farm will produce the relevant  
23 confidential and/or trade secret sections upon execution of the protective order.

24 For information reflecting the application of claims procedures to Plaintiffs'  
25 claim, see the Claim File for the claim at issue in this litigation. "Claim File" has a  
26 distinct meaning to State Farm based upon the portion of its Operation Guide that  
27 provides instructions on what to retrieve from ECS to generate a Claim File for  
28 production outside the ECS environment. State Farm has produced its Claim File

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1 for the subject claim (Bates numbers Tong CF 001-244) in reasonably usable  
2 format as it does in the ordinary course of business pursuant to its Operation  
3 Guide. State Farm is withholding information protected by the attorney client  
4 privilege and/or that is work product. State Farm is producing the non-privileged  
5 documents described above and withholding other potentially responsive  
6 documents based on the stated objections.

7 **REQUEST FOR PRODUCTION NO. 39:**

8 YOUR PERFORMANCE REVIEW of Jim Moratto including but not  
9 limited to any internal disciplinary actions or threatened internal disciplinary  
10 actions, from January 1, 2023, to the date of production.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

12 State Farm objects to this request on the grounds that it is overbroad in scope  
13 (not limited in terms of scope of employment or assignment; not limited to  
14 materials pertinent to the specific insurance claims and/or coverages at issue in this  
15 litigation) and time (not limited to a reasonable period of time). This request is not  
16 reasonably tailored to include only matters relevant to the issues involved in this  
17 lawsuit; it seeks information that is neither relevant to the claims or defense of any  
18 party nor proportional to the issues in this case. This type of inquiry goes beyond  
19 what is needed to address the claims and defenses at issue; it is not likely to assist  
20 in the resolution of this this case, and therefore any burden to State Farm would be  
21 disproportionate to the scope of the matter. State Farm further objects to this  
22 request because it unduly invades the privacy of its employees and is broad enough  
23 to potentially implicate information that is confidential, proprietary business  
24 information. Plaintiffs have not established that such information is necessary to a  
25 fair adjudication of this case.

26 **REQUEST FOR PRODUCTION NO. 40:**

27 DOCUMENTS describing YOUR metrics used to assess or measure job  
28 performance of Jim Moratto from January 1, 2023, to the date of production.

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Case No. 2:24-cv-02219-DSF DEFENDANT STATE FARM'S RESPONSE TO REQUEST  
FOR PRODUCTION, SET ONE, BY PLAINTIFFS

Pacific Law Partners, LLP  
15615 Alton Parkway, Suite 240  
Irvine, CA 92618  
(949) 242-2441 - Facsimile (949) 242-2446

**RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

State Farm objects to this request as vague and ambiguous as stated, specifically with respect to the use of the terms “DOCUMENTS describing” and “metrics used to assess or measure job performance” Further, this request is also overbroad in scope (not limited to the employees who actually handled the subject claim) and time (not limited to a reasonable period of time). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm further objects to this request to the extent it calls for confidential, proprietary business information. Plaintiffs have not established that such information is necessary to a fair adjudication of this case.

**REQUEST FOR PRODUCTION NO. 41:**

DOCUMENTS describing goals set for the job performance for first-party homeowners’ property claims supervisors or managers such as Jim Moratto from January 1, 2020, to the date of production.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

State Farm objects to this request as vague and ambiguous as stated, specifically with respect to the use of the terms “ DOCUMENTS describing goals”, “job performance”, and “first-party homeowners’ property claims supervisors or managers” Further, this request is also overbroad in scope (not limited to the employees who actually handled the subject claim) and time (not limited to a reasonable period of time). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm further objects to this request to the extent it calls for confidential, proprietary business information. Plaintiffs have not established that such

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Case No. 2:24-cv-02219-DSF DEFENDANT STATE FARM’S RESPONSE TO REQUEST FOR PRODUCTION, SET ONE, BY PLAINTIFFS

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1 information is necessary to a fair adjudication of this case.

2 **REQUEST FOR PRODUCTION NO. 42:**

3 DOCUMENTS describing specific goals set for Jim Moratto from January 1,  
4 2023, to the date of production.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

6 State Farm objects to this request as vague and ambiguous as stated,  
7 specifically with respect to the use of the terms “DOCUMENTS describing  
8 specific goals” Further, this request is also overbroad in scope (not limited to the  
9 employees who actually handled the subject claim) and time (not limited to a  
10 reasonable period of time). This request is not reasonably tailored to include only  
11 matters relevant to the issues involved in this lawsuit and is potentially unduly  
12 burdensome; it seeks information that is neither relevant to the claims or defense of  
13 any party nor proportional to the issues in this case. State Farm further objects to  
14 this request to the extent it calls for confidential, proprietary business  
15 information. Plaintiffs have not established that such information is necessary to a  
16 fair adjudication of this case.

17 **REQUEST FOR PRODUCTION NO. 43:**

18 DOCUMENTS YOU created following the decision in *Varela v. State Farm*  
19 *General Insurance Company*, 555 F.Supp.3d 983 (E.D. Cal. 2021) to provide  
20 training or guidelines to YOUR claims staff in California regarding how to apply  
21 the exclusion in the POLICY which provides: “(8) water or sewage below the  
22 surface of the ground, including water or sewage that exerts pressure on, or seeps  
23 or leaks through a ***building structure***, sidewalk, driveway, swimming pool, or  
24 other structure ...,” or how to apply any exclusion relating to water below the  
25 surface of the ground in any California property policy issued by YOU.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

27 State Farm objects to this request on the grounds that it is overly broad in  
28 scope (types of claims and insurance coverage), time (not limited by the period of  
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time when this claim was handled), and geographic area (not limited to California). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm's procedures are intended to provide guidance, but each claim is handled on its own merits. State Farm objects to the extent this request purports to seek information subject to the attorney-client privilege or work product doctrine. Finally, State Farm objects to this request to the extent it seeks confidential, proprietary business information and/or trade secrets. Plaintiffs have not established that such information is necessary to a fair adjudication of this case.

Subject to and without waiving the aforementioned objections, State Farm will produce the relevant non-confidential and/or non-trade secret sections of the Operation Guide applicable and in effect during the relevant timeframe along with the Standard Claim Processes and Jurisdictional References applicable and in effect on the date of loss and additional materials representative of resources available during the relevant timeframe. State Farm will produce the relevant confidential and/or trade secret sections upon execution of the protective order.

For information reflecting the application of claims procedures to Plaintiffs' claim, see the Claim File for the claim at issue in this litigation. "Claim File" has a distinct meaning to State Farm based upon the portion of its Operation Guide that provides instructions on what to retrieve from ECS to generate a Claim File for production outside the ECS environment. State Farm has produced its Claim File for the subject claim (Bates numbers Tong CF 001-244) in reasonably usable format as it does in the ordinary course of business pursuant to its Operation Guide. State Farm is withholding information protected by the attorney client privilege and/or that is work product. State Farm is producing the non-privileged documents described above and withholding other potentially responsive documents based on the stated objections.

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**REQUEST FOR PRODUCTION NO. 44:**

DOCUMENTS containing any template of form, whether stored in hard digital form, for use by property claim adjusters or supervisors to use in drafting water loss claim denials on the basis of any policy exclusion.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

State Farm objects to this request on the grounds that it is overly broad in scope (types of claims and insurance coverage), time (not limited by the period of time when this claim was handled), and geographic area (not limited to California). This request is not reasonably tailored to include only matters relevant to the issues involved in this lawsuit and is potentially unduly burdensome; it seeks information that is neither relevant to the claims or defense of any party nor proportional to the issues in this case. State Farm's procedures are intended to provide guidance, but each claim is handled on its own merits. State Farm objects to the extent this request purports to seek information subject to the attorney-client privilege or work product doctrine. Finally, State Farm objects to this request to the extent it seeks confidential, proprietary business information and/or trade secrets. Plaintiffs have not established that such information is necessary to a fair adjudication of this case.

Subject to and without waiving the aforementioned objections, State Farm will produce the relevant non-confidential and/or non-trade secret sections of the Operation Guide applicable and in effect during the relevant timeframe along with the Standard Claim Processes and Jurisdictional References applicable and in effect on the date of loss and additional materials representative of resources available during the relevant timeframe. State Farm will produce the relevant confidential and/or trade secret sections upon execution of the protective order.

For information reflecting the application of claims procedures to Plaintiffs' claim, see the Claim File for the claim at issue in this litigation. "Claim File" has a distinct meaning to State Farm based upon the portion of its Operation Guide that provides instructions on what to retrieve from ECS to generate a Claim File for

1 production outside the ECS environment. State Farm has produced its Claim File  
2 for the subject claim (Bates numbers Tong CF 001-244) in reasonably usable  
3 format as it does in the ordinary course of business pursuant to its Operation  
4 Guide. State Farm is withholding information protected by the attorney client  
5 privilege and/or that is work product. State Farm is producing the non-privileged  
6 documents described above and withholding other potentially responsive  
7 documents based on the stated objections.

8  
9 DATED: August 30, 2024

PACIFIC LAW PARTNERS, LLP

10  
11 By: /s/MATTHEW F. BATEZEL

12 MATTHEW F. BATEZEL

13 DANIEL T. BALMAT

14 Attorneys for Defendant

15 STATE FARM GENERAL INSURANCE  
16 COMPANY

*Tong, et al. v. State Farm*  
USDC Case No. 2:24-cv-02219-DSF-MAR